THE HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 12447 OF 2007

Dated 17th July, 2007

Between:

Dr.Azmathullah Sharief

…Petitioner

And

Municipal Corporation of Greater Hyderabad,
represented by its Commissioner,
Tank Bund Road, Hyderabad and another.

…Respondents.

ORAL ORDER:

This writ petition is filed questioning the action of the respondents in insisting upon the production of No Objection Certificate from the District Collector, Hyderabad for grant of permission for the proposed construction of the building for stilt and three upper floors in the premises bearing No.8-2-672/3, Road No.13, Banjara Hills, Hyderabad.

It is the case of the petitioner that he is the owner of premises bearing No. 8-2-672/3, Road No.13, Banjara Hills, Hyderabad situated in an area of 460 sq. yards. It is stated that the said property was purchased by registered sale deed dated 21.9.1978 vide document No.2500/78. Though the said property initially consisted of 940 sq. yards, the petitioner had sold a part of the said land. When the petitioner submitted application for grant of permission for construction under Sections 428 and 433 of Hyderabad Municipal Corporation Act, 1955, the respondents rejected his application by proceedings dated 16.4.2007 stating that the petitioner has not submitted the TSLR certificate from the Deputy Director of Survey and Land Records and has not paid the Building Permit Fees as per the provisions of the Hyderabad Municipal Corporation Act, 1955. It is stated that subsequently, the petitioner has obtained TSLR certificate from the competent authority. But, however, when he wanted to pay the requisite building fees and resubmit the application, his application is not being received on the ground that the application is not accompanied by No Objection Certificate from the District Collector.

With regard to the objections raised in the impugned

proceedings, the petitioner is stated to have obtained TSLR certificate from the competent authority and he is also ready to pay the requisite permission fees as per the provisions of the Hyderabad Municipal Corporation Act and the bye-laws framed thereunder. But, so far as the insistence of No Objection Certificate from the District Collector is concerned, under the scheme of Hyderabad Municipal Corporation Act, 1955 and the bye-laws made thereunder, there is no provision for production of the said certificate from the District Collector. Therefore, while it is open for the respondents to consider the application of the petitioner for building permission on its own merits as per the provisions of the Hyderabad Municipal Corporation Act, the application cannot be refused to be received only on the ground that it is not accompanied by the No Objection Certificate from the District Collector.

In that view of the matter, I dispose of the writ petition directing the respondents to receive the application of the petitioner if he submits the TSLR certificate from the competent authority and pays the permission fee as stated in the proceedings dated 16.4.2007, without insisting upon production of the No Objection Certificate from the District Collector, and, consider the same and take appropriate decision in accordance with law.

Subject to above direction, the writ petition is disposed of. No costs.

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17-7-2007

R.SUBHASH REDDY, J.

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